

3/12/15

4:28 P.M.

Chapter No. 306

15/HR26/R1378

NC/CST

HOUSE BILL NO. 839

Originated in House



Clerk

HOUSE BILL NO. 839

AN ACT TO AMEND SECTION 69-25-10, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE CULTIVATION OF POTENTIALLY INVASIVE NONNATIVE PLANT SPECIES EXCEPT UNDER THE SPECIAL PERMIT REQUIREMENT FOR PLANTINGS IN EXCESS OF ONE ACRE FOR THE PURPOSE OF CONTROLLING THE CULTIVATION OF NONNATIVE PLANT SPECIES FOR FUEL PRODUCTION BY THE DEPARTMENT OF AGRICULTURE AND COMMERCE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 69-25-10, Mississippi Code of 1972, is amended as follows:

69-25-10. (1) The purpose and intent of this section is to control and restrict the planting and cultivation of nonnative species of plants in this state which may become invasive or constitute a nuisance. * * *

(2) No individual or entity, commercial or noncommercial, may cultivate a potentially invasive nonnative plant species, including a genetically engineered plant, solely for purposes of fuel production or purposes other than agriculture and forestry plantings as determined by the department, in plantings greater in size than one (1) acre, except under a special permit issued by

the Department of Agriculture and Commerce. * * * Requests for a permit authorized under this section may be denied if the department, in conjunction with specialists at Mississippi State University, determines that the plant is invasive or has potential to constitute a nuisance.

(3) Each application for a special permit must * * * include:

(i) The name of the plant to be cultivated * * *;
and (ii) A legal description of the lands to be under cultivation and the estimated cost of removing and destroying such plants. Permits issued under this section shall be effective for one (1) year, and upon the expiration thereof, shall be required to be renewed by the holder of the permit for continued cultivation of the nonnative plant species. If an individual or entity cultivates more than one (1) nonnative plant species, then a permit must be acquired for each nonnative plant species in the manner required by this subsection.

(4) * * * A surety bond must be obtained before the issuance of a permit and shall be written by a company qualified to do business in this state and in an amount to be determined by the department. The bond shall be conditioned to secure the payment of all costs incurred in removing and destroying the plants cultivated under this permit.

(5) The department shall establish by regulation the circumstances under which it may order the permit holder to remove

and destroy the nonnative plant species cultivated under the permit and the procedures to be followed in such cases. The department shall have the right to use the emergency procedures described in Section 69-25-61, in addition to all other rights and remedies available to it, at law or in equity. When the department enters an order requiring the removal and destruction of the subject plants, the permit holder and/or the surety on its bond shall move with dispatch to comply with the order of removal and destruction.

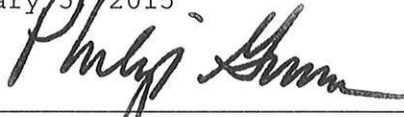
(6) The department shall have the right to enter the permit holder's lands or premises at any time and investigate the operations covered by this permit, to include the power to inspect and copy business and cultivation records, inspect plants, take samples of plants, soil or other substances and take photographs.

(7) The department shall have the right to adopt any and all rules and regulations as may be necessary or desirable to carry out the purpose and intent of this section.

(8) This section shall stand repealed on July 1, 2016.

SECTION 2. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 5, 2015



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 5, 2015



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

3/12/15
4:28pm